

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

BRENDA DICKSON,

Plaintiff,

vs.

Civ. No. 01-192 WWD/LFG ACE

CITY OF ALBUQUERQUE, JOHN DANTIS,  
individually and in his official capacity as  
director of the Bernalillo County Detention  
Center; JACK YARMOLA, individually and  
in his official capacity as supervisor of the  
Bernalillo County Detention Center; THE  
COUNTY OF BERNALILLO, through its  
BOARD OF COMMISSIONERS OF THE  
COUNTY OF BERNALILLO,

Defendants.


MEMORANDUM OPINION AND ORDER

This matter comes before the Court *sua sponte* as the result of the submission of a  
purposed Pre-Trial Order to the Court on May 23, 2001. Plaintiff's counsel has not signed or  
approved the order submitted. Apparently Plaintiff's counsel had indicated to defense counsel  
that he wanted to make some changes to the purposed order. Since the Pre-Trial Order was  
submitted, summary judgment has been granted with respect to Plaintiff's breach of contract to  
claims. Plaintiff's "claim" of retaliation, which was not pleaded in the complaint or in a motion  
to amend, will not be entertained at this late date where it was surfaced for the first time in  
Plaintiff's response to Defendant's motion for summary judgment. Plaintiff's counsel shall  
prepare a new Pre-Trial Order, taking into account the matters mentioned above, and inserting the  
submissions from Defendants. Plaintiff's counsel shall then obtain the signatures of opposing

counsel on the Pre-Trial Order, which he also shall sign. Finally, Plaintiff's counsel shall submit the completed Pre-Trial Order to the undersigned on or before June 26, 2002. Further dilatory practice by Plaintiff's counsel will be sanctioned, and Plaintiff's complaint may be dismissed.

This cause shall proceed in accordance with the foregoing

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "William B. Deaton", written in a cursive style.

---

UNITED STATES MAGISTRATE JUDGE